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December 22, 2010

Attorney Angela L. Hammer
City of Rockford Department of Law
425 West State Street
Seventh Floor
Rockford, IL 61104

Re: Case: Scott vs. City of Rockford, et al.
Case No: 08 C 50091
Deposition of Officer Dan Basile
Taken on November 29, 2010

DEC 22 2010
CITY OF ROCKFORD
LEGAL DEPT.


Dear Ms. Hammer:

At the time of the above-mentioned deposition you offered to handle reading and signing of the transcript. Attached to this letter please find the correction sheet and duplicate signature page to supply to the witness. (If there are no corrections, please have the witness initial the bottom of the correction sheet.)

Please return the signed and dated signature page along with the correction sheet, retaining copies for your file, and we will forward them on to counsel of record. If you would prefer to forward them on yourself, please do so.

If this process is not completed within 28 days of receipt of transcript, signature will be deemed waived.

Sincerely,


Robin L. Winters
Secretary

Attachments

cc: Attorney Rene Hernandez - (w/o attachments)

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Please note below any corrections you deem necessary from your testimony with The corresponding page and line number. Please initial the bottom of this page if you are not making any corrections. In addition, it is important that you sign and date the attached signature page.

Page	Line	Correction

Initial here if NO CORRECTIONS are noted.

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SIGNATURE PAGE

I, Officer Dan Basile, hereby certify that I have read the transcript of my sworn testimony given at the time and place aforesaid, consisting of Pages 1 through 34, inclusive. With the exception of any and all corrections or changes listed on a supplemental page, to the best of my knowledge and belief, said testimony is true and accurate.

RE: Scott vs. The City of Rockford, et al.
Case No. 08 C 50091
Deposition taken on November 29, 2010

Signature

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

Original

ERIC J. SCOTT,

Plaintiff,

-vs-

THE CITY OF ROCKFORD, a
Municipal Corporation,
OFFICER ROSEMARY MATHEWS, Individually,
OFFICER DANIEL BASILE, Individually,
OFFICER JOSHUA GROVER, Individually,
OFFICER PAUL GALLAGHER, Individually,
OFFICER JUAN TAPIA, Individually,

Defendants.

NO. 08 C 50091

DEPOSITION OF
OFFICER DAN BASILE

The deposition of Officer Dan Basile, called as a witness on behalf of the plaintiff in the above-entitled action, taken before Amy R. Campos, Certified Shorthand Reporter and Registered Professional Reporter, at City of Rockford Department of Law, 325 East State Street, Seventh Floor, Rockford, Illinois, on November 29, 2010, at 3:30 p.m.

APPEARANCES :**ATTORNEY RENE HERNANDEZ**

1625 East State Street
Rockford, Illinois 61104
Phone: 815.387.0261
email: rensone@aol.com

appeared on behalf of the plaintiff;

CITY OF ROCKFORD DEPARTMENT OF LAW

By **ATTORNEY ANGELA L. HAMMER**

425 East State Street
Seventh Floor
Rockford, Illinois 61101
Phone: 815.987.5540
email: angela.hammer@rockfordil.gov

appeared on behalf of the defendants.

I N D E X**EXAMINATION OF: OFFICER DAN BASILE**

By Mr. Hernandez 4

E X H I B I T S

(No exhibits were marked.)

Signature Page 33

Reporter Certificate 34

1 OFFICER DAN BASILE,
2 having been duly sworn, was examined and testified as
3 follows:

4 EXAMINATION

5 BY MR. HERNANDEZ:

6 Q. State your name and spell your last name for the
7 record, please.

8 A. Dan Basile, B-a-s-i-l-e.

9 MR. HERNANDEZ: Officer Basile, my name is
10 Rene Hernandez. I'm going to be asking you a series of
11 questions today. If at any time you do not understand me,
12 I'm going to ask you to do one of two things. Either, one,
13 ask me to restate the question or, two, ask me to rephrase
14 the question. Are we okay?

15 THE WITNESS: Uh-huh.

16 MR. HERNANDEZ: There's also some guidelines to
17 the taking of a deposition. You can give whatever answer
18 you feel is appropriate, but it must be done in a verbal
19 form. Nods of the head or inflections of your voice do not
20 translate into the record. So whatever your answer is, it
21 needs to be done in a verbal manner. Are we all right with
22 that?

23 THE WITNESS: Yes.

24 MR. HERNANDEZ: The third point is that if you

1 feel that we need a break -- or if you feel like you need a
2 break, please advise your counsel and we'll take a break.
3 I don't believe we're going to be here that long; but in
4 the event you do, just let us know.

5 THE WITNESS: Okay.

6 MR. HERNANDEZ: Finally, this deposition is taken
7 pursuant to notice and pursuant to the agreement of the
8 parties and by the applicable Federal Rules of Civil
9 Procedure.

10 BY MR. HERNANDEZ:

11 Q. Officer Basile, can you state who is your
12 employer?

13 A. Rockford City Police Department.

14 Q. How long have you been so employed?

15 A. Just over ten years.

16 Q. And when did you graduate from the Academy?

17 A. March of 2000.

18 Q. As part of your curriculum, were you taught
19 techniques in the apprehension of individuals?

20 A. Yes.

21 Q. Does that technique include the use of force?

22 A. Yes.

23 Q. Is that a sliding scale?

24 A. What do you mean?

1 Q. Well, is it a progressive scale in the use of
2 force depending on the nature of the situation?

3 A. Yes.

4 Q. You would agree there's verbal intervention?

5 A. Yes.

6 Q. And there's the next step, which would be actual
7 physical intervention of some kind?

8 A. Yes.

9 Q. And then there are such things as tactical tools
10 such as a taser or maybe even a -- I keep forgetting the
11 name of that metal device. Maybe you're familiar with it?
12 It's an extended wand.

13 A. Baton, an asp.

14 Q. -- asp, that's it, in which those would be
15 utilized.

16 So it's a progressive use of force depending on
17 the nature of the potential suspect?

18 A. Yes.

19 Q. And you were trained at the Academy on all these
20 uses of force?

21 A. Yes.

22 Q. To include the use of deadly force?

23 A. Yes.

24 Q. Now, on May 25, 2007, were you carrying a taser

1 this date?

2 A. I don't recall if I was. I don't -- because
3 we've had them, they've been taken away, so I don't recall
4 whether or not I had one that date.

5 Q. Do you know whether or not you were carrying an
6 asp?

7 A. Yes, I was.

8 Q. Were you carrying any additional police tools as
9 previously mentioned, such as maybe even the spray, the
10 pepper spray?

11 A. Yes.

12 Q. Pepper spray, that's part of your arsenal?

13 A. Yes.

14 Q. And you were also trained in that usage?

15 A. Yes.

16 Q. All right. Now, you graduated the academy in
17 March of 2000. Do you recall who your field training
18 officers were?

19 A. Yes.

20 Q. Who were they?

21 A. Mark West -- he's a lieutenant now -- Al
22 Semenchuk, Mark Jacobi and Mike Dalke.

23 Q. Do you have a recollection of having any
24 additional training in the use of force in the month -- or

1 the year of 2007?

2 A. No, I don't. I mean, periodically we would have
3 training, refresher training in, you know, the use of
4 force, other techniques.

5 Q. Various subjects. But I'm trying to get you to
6 recall if you remember anything occurring in 2007
7 specifically.

8 A. No.

9 Q. Nothing comes to mind as to the use of the asp or
10 maybe the use of pepper spray or anything like that?

11 A. No.

12 Q. On May 25, 2007, were you working for the
13 Rockford Police Department?

14 A. Yes.

15 Q. And do you recall what shift you were working?

16 A. Night shift.

17 Q. When is that, from when to when?

18 A. We work from 9:00 to -- oh, wait, no. I was
19 working -- we got off at -- I think 7 to 5.

20 Q. 7 p.m. to 5 a.m.?

21 A. Yes.

22 Q. And where were you assigned?

23 A. The M3 Streets Team.

24 Q. And you're going to have to help me out. What is

1 the M3 Streets Team?

2 A. It was a combination that -- the administration
3 combined the Tac Team, bikes, RHA, combined them all into
4 one. Prior to the M3 Streets Team, I was on the Tactical
5 Team.

6 Q. But on this date, on 5/25/07, you were on the M3
7 Streets Team?

8 A. Correct.

9 Q. And you said it was a combination -- it was a Tac
10 Team, bikes and RHA. Anything else? Any other department
11 or unit?

12 A. No.

13 Q. Now, what was the purpose of this M3 Streets
14 Team?

15 A. We were plain clothed, low-profile and it
16 was -- we specifically patrolled hot spots of the city.

17 Q. Who decides what's a hot spot?

18 A. The administration.

19 Q. And once you go to a hot spot, what is your
20 purpose there?

21 A. Basically make traffic stops, look for potential
22 criminal activity.

23 Q. Anything else?

24 A. Back up officers.

1 Q. Back up the regularly-assigned officers?

2 A. Correct.

3 Q. And the M3 Streets Team, how many people were
4 assigned to that unit or division, if you will?

5 A. I believe at that time there was eight.

6 Q. And on May 25, 2007, what was the hot spot that
7 you were assigned to?

8 A. I don't recall. It was mainly the downtown area,
9 Broadway, Seventh Street, maybe -- I think we were
10 patrolling the east side that day.

11 Q. I guess I'm trying to get a better feel for this.
12 You indicated to me mainly downtown area,
13 Broadway, Seventh Street; then you said -- I'm sorry -- the
14 east side. The east side is pretty big. Were you assigned
15 to just anywhere on the east side or did you have a
16 specific location?

17 A. Well, no. You know, on the weekends we would
18 patrol the bars, assist in -- you know, if there were bar
19 fights. And then -- specifically -- at times we'd go down
20 to 11th Street, Harrison area to curb prostitution. So it
21 was generally -- you know, he either tells us to go east or
22 go west. On that particular day we were all east.

23 Q. And this was in conjunction with the normal
24 patrol officers who are normally assigned to a given area?

1 A. Correct.

2 Q. So you're basically, I guess, for lack of a
3 better term, backup for the patrol officers who were
4 regularly assigned to a particular area?

5 A. Correct.

6 Q. On this day, on 5/25/2007, at or about 2:00 in
7 the morning, do you remember where you were?

8 A. Yes.

9 Q. Where were you?

10 A. I was driving on East State Street in about the
11 4000 block.

12 Q. 4000 block?

13 A. Yes.

14 Q. What would be a main street located by the 4000
15 block?

16 A. Just east of Alpine. Alpine and East State.

17 Q. Alpine. Were you heading east or west?

18 A. East.

19 Q. So you were eastbound on State. Who are you
20 with?

21 A. Officer Tapia.

22 Q. He's also on the M3 squad?

23 A. Yes.

24 Q. And what are you doing?

1 A. We're actually driving out to a restaurant around
2 that time. It was our last night. We were going to get
3 breakfast.

4 Q. Do you recall where you were heading?

5 A. I believe we were going to go to Perkins.

6 Q. And when you say it was your last night, it was
7 your last night together with Officer Tapia or your last
8 night being assigned to the M3 Street Unit?

9 A. No. It was our last night before we went onto
10 days off.

11 Q. Okay. So what happens at or about this time?

12 A. As I'm driving down past Shooters, a vehicle --
13 it was a Kia -- driven by Scott pulled out in front of me
14 coming out from a driveway, almost collided with him --

15 Q. Which lane are you in?

16 A. I'm in the right lane.

17 Q. Right lane?

18 A. Yes.

19 Q. And where is Scott coming from?

20 A. He's coming from the driveway of 4000 East State,
21 which is Shooters.

22 Q. So he pulls out. In which lane does he pull
23 into?

24 A. He actually straddles both the left and the right

1 lane as he's speeding off after he cut me off.

2 Q. You say he cut you off. What do you mean by
3 that?

4 A. As I'm approaching that drive, he just doesn't
5 stop; he just comes right out of the driveway. I had to
6 apply my brakes to avoid from hitting him, and he just
7 continued eastbound on State Street.

8 Q. He's on East State?

9 A. Yes.

10 Q. All right. So tell me what -- what do you do now
11 after -- you've just been cut off, this car just pulled in
12 front of you. What happens next?

13 A. I proceed to follow him. When we approach
14 Alpine, I mean, he's still straddling the lanes. He's not
15 getting in either lane. Then he pulls way over into the
16 left turn lane at Alpine and State.

17 Q. Okay. What happens now?

18 A. There's other cars -- there's a car in front of
19 him. I pull up right next to him. My only intention was
20 to, you know, let him know, hey, you know, why are you
21 driving recklessly, you know, I almost hit you.

22 So I kind of like waved at him. He looks at me
23 and he puts his hand up and manipulates his hand in the
24 form of a pitchfork, which is a gang hand signal.

1 Q. Can you show me what this hand manipulation looks
2 like?

3 A. Like this (indicating).

4 Q. So it's a thumb, a forefinger and the middle
5 finger?

6 A. Yes.

7 Q. And I'm not -- I guess I'm kind of confused as to
8 what it is.

9 A. It's supposed to be a pitchfork.

10 Q. It's supposed to be a pitchfork?

11 A. Yes.

12 Q. Okay. And he's looking at you and makes this
13 hand gesture towards you?

14 A. Yes. You know, I kind of assumed that he didn't
15 believe that I was a police officer because I was in an
16 unmarked -- a black unmarked squad car. You can basically
17 see my upper chest area. I'm wearing a black -- or,
18 actually, I'm wearing my raid jacket, which is blue.
19 Underneath my raid jacket I have a -- it was a black outer
20 vest --

21 Q. Let me stop you right there. What are the
22 weather conditions like on this day? Or early morning, I
23 should say.

24 A. You know, I don't recall. I mean, it wasn't

1 overly cold and it wasn't overly hot.

2 Q. Okay. Well, was it clear? It wasn't raining?

3 A. Right.

4 Q. Okay. Go ahead, tell me what happens next.

5 A. So I assumed that he didn't think I was a police
6 officer, so I actually -- I activated my squad car's lights
7 because the light was still red. Activated my squad car
8 lights, he looked at me, I get out of the car, and I go up
9 to the passenger's side of his car and motioned for him to
10 roll down his window --

11 Q. Let me stop you right there. You activate your
12 car lights. Where is your car in relationship to Scott's
13 car?

14 A. I'm in the right lane. There's nobody in the
15 left lane directly -- so I can see him directly across from
16 me.

17 Q. So this is a three-lane with the turn lane?

18 A. Well, it's a two-lane with a turn lane.

19 Q. Fair enough. And you're in the right lane. Are
20 you at the light?

21 A. Yes.

22 Q. Okay. Go ahead. You activated the lights, and
23 you got out of your vehicle?

24 A. Correct.

1 Q. What happens next?

2 A. I approached the car. I actually pulled my badge
3 out because I have a badge hanging from my neck. Showed
4 him the badge, motioned for him to roll the window down,
5 and he proceeded to leave at a high rate of speed going
6 around the other car and then going through the light, and
7 he turned northbound onto Alpine from State.

8 Q. What were the traffic conditions like?

9 A. Moderate. I mean, there was -- at that time I
10 don't think there was any cars going, you know . . .

11 Q. Southbound or northbound?

12 A. -- south and north.

13 Q. On Alpine?

14 A. Correct. But, you know, the traffic was, you
15 know, probably about three or four cars deep, because
16 Officer Aldridge and Grover were the first ones at the
17 light. They were waiting for the light to turn, so there
18 was Officer Grover --

19 Q. Let me ask that. Where were they located
20 specifically, Officer Grover and Aldridge?

21 A. They were in the right lane right -- the first
22 one at the light. There was a car --

23 Q. Which direction were they headed?

24 A. They were going east, because I was actually

1 following them.

2 Q. They were in front of you?

3 A. Correct.

4 Q. Officer Grover and Aldridge in front of you.

5 What happens next?

6 A. Well, as Scott, you know, fled, squealing his
7 tires, went through the light, turned north onto Alpine,
8 then -- then I saw Officer Grover and Officer Aldridge's
9 vehicle. They activated their squad lights and went after
10 Scott.

11 Now, I don't know if -- I'm assuming they didn't
12 know that, you know, I had the confrontation with him.
13 They just -- you know, I'm assuming that they just saw that
14 he just violated the traffic signal and took off after him.

15 Scott then turned; he failed to stop. I just got
16 through the intersection because I had -- it was still red.
17 I had to wait for traffic that was going by. I saw -- I
18 actually didn't see Scott turn, but I saw Aldridge and
19 Grover turn eastbound onto Raven.

20 When I got to Raven, Grover and Aldridge -- or
21 Grover had him on the ground in a head-pin; and Aldridge
22 was trying to, you know, control him. Scott was
23 struggling. And that's when I came up.

24 Q. So by the time you got there -- you were driving

1 your unmarked car, you quickly proceeded down Raven. How
2 much time had elapsed from the point where you saw the
3 police car make a right-hand turn to the point where you
4 were able to catch up and actually get to the location
5 where the vehicle was and Scott was?

6 A. If I had to guess, it was no more than 40 or
7 50 seconds.

8 Q. You think it was a whole minute, pretty close to
9 it?

10 A. No.

11 Q. 40 or 50 seconds? All right.

12 So 40 to 50 seconds it takes you to catch up with
13 Grover and Aldridge. You make a right turn on Raven. How
14 far do you go down before you see their vehicles and Scott?

15 A. I believe it was like the middle -- basically in
16 the middle of the block, because Alder is just east of
17 Raven.

18 Q. And it was before that?

19 A. Correct.

20 Q. Okay, so middle of the block.

21 What do you see when you pull up? What is the
22 visual that you actually see and observe?

23 A. Scott's on the ground facedown. Grover's at his
24 head, in a head-pin. Aldridge is on top of Scott trying to

1 hold him down. Scott's struggling, trying to do push-ups
2 to get up. That's when I -- you know, when I got there.

3 Q. All right. So Aldridge is on top of Scott and
4 Grover had a head-pin on Scott?

5 A. Correct.

6 Q. And Scott's on the ground?

7 A. Correct.

8 Q. Are there any other officers around?

9 A. No.

10 Q. How far is Scott from his vehicle?

11 A. If I recall, I think he was just -- actually, not
12 too far. I'd say probably like from -- probably like maybe
13 10 feet from his vehicle. He didn't get very far.

14 Q. So what, maybe to the wall (indicating)?

15 A. Yes.

16 Q. Now, when you saw Scott, was he on the driver's
17 side of his car, the passenger's side of the car? Was he
18 in front of the car or in back of the car?

19 A. The driver's side just slightly to the front of
20 his car.

21 MS. HAMMER: Can we go back to clarify something?

22 When you had asked if there were any other
23 officers around, are you excluding officer Tapia that he
24 testified was with him?

1 MR. HERNANDEZ: No. I'm getting to him.

2 MS. HAMMER: Okay.

3 MR. HERNANDEZ: I'm assuming that Tapia's with
4 him in the car.

5 BY MR. HERNANDEZ:

6 Q. That's correct; right?

7 A. Yes.

8 Q. But you were the driver?

9 A. Correct.

10 Q. You jump back in your vehicle, approximately 40
11 to 50 seconds you catch up. You observed the scene as
12 you've just described it to me?

13 A. Yes.

14 Q. And Officer Tapia, he's in the passenger's side?

15 A. Correct.

16 Q. Upon arrival does he get out of the vehicle?

17 A. Yes.

18 Q. So both you and Officer Tapia leave the vehicle.
19 And what do you do?

20 A. Immediately ran up, and I grab ahold of Scott's
21 right arm and I -- I was able to get it back. I used a
22 wrist lock to get his arm back.

23 Scott still had his left arm up underneath his --
24 underneath his chest or stomach area. I didn't know -- you

1 know, what he -- you know, if he was trying to grab a
2 weapon or holding a weapon.

3 Officer Tapia was on the left side. Aldridge was
4 at his legs. Officer Tapia was trying to get his left arm
5 out from underneath him.

6 Q. Who was doing that, Tapia?

7 A. Yes.

8 Q. Okay.

9 A. I kept ordering Scott to stop resisting. He
10 continued to fight us --

11 Q. Let me stop you right there. You have Grover.
12 Does he still have him in a head-pin?

13 A. Yes.

14 Q. You have Aldridge. Is he still on top of him?

15 A. He's at his legs.

16 Q. At his legs. Then you have Officer Tapia, who's
17 now on his left side and grabbing his left arm or trying
18 to?

19 A. Correct.

20 Q. And you were on his right side?

21 A. Correct.

22 Q. Is anybody striking Scott at any point prior to
23 you issuing the order "Stop resisting"?

24 A. No.

1 Q. Nobody's striking him; there's just hands on him
2 or there's contact with him?

3 A. Correct. We're all yelling at him to stop
4 resisting.

5 Q. Okay. Now, upon your arrival would it be
6 accurate to say the only thing -- the only crime that you
7 saw or violation you had actually personally observed was a
8 traffic violation -- two of them, one when he cut you off,
9 two when he made that left turn in violation of the light?

10 MS. HAMMER: I think he also testified that he
11 was straddling the divider line.

12 BY MR. HERNANDEZ:

13 Q. Ok, three. Three traffic violations you
14 observed.

15 Is there anything more that you personally
16 observed prior to you getting to the scene in which he was
17 on the ground?

18 A. Yeah. And fleeing to elude. Because as soon as
19 Officer Grover and Aldridge tried to stop him, he continued
20 to go and to not yield.

21 Q. Well, I don't want to quibble with you, but you
22 have no idea whether or not he actually observed those
23 officers behind him or not, do you? You don't have any
24 personal knowledge of that, do you? You're not trying to

1 say that you knew that?

2 A. Well, if you have your emergency lights on, you
3 know --

4 Q. There's a lot of distractions in a car, are there
5 not, such as a loud radio, imbecilic behavior?

6 A. If you have your emergency lights on and you fail
7 to yield and you turn to flee the officers, that is fleeing
8 to elude.

9 Q. I'll concede fleeing to elude, another traffic
10 offense.

11 At this point you observe traffic offenses. By
12 the time you reach the location on Raven, you had never
13 seen a gun or a weapon of any type; correct?

14 A. Correct.

15 Q. And you did not see Scott throw a punch at
16 anybody or kick anybody, did you?

17 A. He was kicking and he was struggling. He was
18 fighting to get away.

19 Q. Well, you testified just earlier you had four
20 guys on him; correct?

21 A. Correct.

22 Q. All right. And you also testified that no one
23 was hitting him?

24 A. Correct.

1 Q. Are you sure nobody was hitting him?

2 A. No.

3 Q. Okay. So you got four guys on the guy trying to,
4 I would imagine, getting him under control so you can put
5 handcuffs on him?

6 A. Correct.

7 Q. Okay. What happens next?

8 A. I'm yelling at him to stop resisting.

9 Officer Tapia is trying to pull the arm out from under him
10 to assist Officer -- you know, because I had the arm. I
11 knee'd Scott in the ribs three times, which got him to, you
12 know -- I'm assuming got Scott to loosen his left arm. And
13 Officer Tapia was able to get the left arm behind his back
14 and we were able to handcuff him.

15 Q. So you strike him with three knee blows to his
16 rib cage?

17 A. Correct.

18 Q. What happens next?

19 A. Officer Tapia was able to get his arm -- his left
20 arm out from under him, Scott, and bring his hand behind
21 his back and we placed him into handcuffs.

22 Q. What happens next?

23 A. Basically he's laying there, we search him, we
24 get his ID --

1 Q. No weapons?

2 A. No weapons.

3 Q. Okay. Do you run his name?

4 A. I didn't personally run his name, no.

5 Q. Okay. Well, did you check to see whether or not
6 he was a gang banger or gang member?

7 A. Like I said, I didn't run his name.

8 Q. Did you advise any of the other officers that he
9 had given you some type of gang signal?

10 A. Yes.

11 Q. All right. And did they indicate to you that
12 they were going to run his name for any wants, warrants or
13 gang affiliation?

14 A. I don't recall that. They probably did. I don't
15 recall.

16 Q. Well, I just want you to tell me what you know
17 personally.

18 A. No, I don't know.

19 Q. Okay. After you put the handcuffs on Mr. Scott,
20 what do you do next with him?

21 A. Basically we sit him up --

22 Q. Who's "we"?

23 A. Well, the other officers had arrived. I'm trying
24 to remember who was all there.

1 Q. You had Grover, you had Aldridge, you had Tapia
2 and you had yourself. Are these the four that lifted him
3 after he was put in handcuffs?

4 A. I believe it was Grover that lifted him and, you
5 know, brought him to his feet.

6 Q. Okay. At this time, when he was brought to his
7 feet, do you happen to notice his face?

8 A. Yes.

9 Q. And would you agree at this point his face is
10 bloodied?

11 A. Yes.

12 Q. And did anybody strike him in the face --

13 A. No.

14 Q. -- in your presence?

15 A. No.

16 Q. Did any officer indicate to you why Mr. Scott's
17 face was bloodied?

18 A. Yes. I spoke to Officer Grover --

19 Q. And what did he say to you and what did you say
20 to him?

21 A. He told me that when Scott stopped, he got out of
22 the car and started running. He was already on him and
23 caught him right away. He took him down in an armbar
24 takedown, and Scott hit his -- as he's taking him down,

1 Scott hit his face on the cement. And he said, you know,
2 he was struggling, so he put him in a head-pin and waited
3 for officers to assist in taking him into custody.

4 Q. Did he indicate how much time had elapsed from
5 the time that he put Mr. Scott in a head-pin to the time
6 that you arrived?

7 A. No.

8 Q. After Mr. Scott is lifted up, what, if anything,
9 happens next with Mr. Scott as you observe?

10 A. There was a cut to his -- I think the upper
11 left -- or upper right eye, I believe. And that's the only
12 place that I observed that he was bleeding from.

13 Q. Was there anything else that you observed about
14 Mr. Scott at this time?

15 A. No.

16 Q. What happens to Mr. Scott?

17 A. Well, our sergeant arrived, Sergeant McLester; we
18 took photographs of his injuries. I asked -- actually, I
19 don't recall who asked Scott -- or maybe it was me -- if he
20 needed medical attention. And he declined, said he didn't
21 need to go to the hospital.

22 Q. What happens next?

23 A. And then as I'm speaking to him, I can smell the
24 strong odor of alcohol on his breath. He had glassy,

1 bloodshot eyes other than the other -- right eye because it
2 was already swollen.

3 So then Officer Tapia -- you know, we -- you
4 know, I believed that he was an intoxicated driver, so
5 Officer Tapia -- I asked Officer Tapia to get ahold of --
6 see if there was a traffic investigator out. And
7 Investigator Mathews responded to assist us with a DUI
8 investigation.

9 Q. Now, you call for an additional investigator or
10 patrol officer who does DUIs? Is that essentially what
11 you're saying to me?

12 A. Yeah. Well, she's an investigator.

13 Q. So she would have the PBT --

14 A. Correct.

15 Q. And she is a little more familiar with that
16 because she does it on a day-to-day basis?

17 A. Correct.

18 Q. And this is the Rosemary Mathews?

19 A. Correct.

20 Q. Does she arrive in your presence?

21 A. Yes.

22 Q. What happens to Mr. Scott at that point?

23 A. She's doing the -- she takes over the DUI
24 investigation. I go to my squad car and start writing the

1 tickets, so I did not observe any of the -- you know,
2 whether or not he took the field tests, whether or not he
3 took the PBT or anything. This was on her. I just was
4 writing the tickets.

5 Q. All right. Prior to you coming here today, did
6 you have a chance to speak with any of the officers
7 involved with the arrest of Scott or his apprehension on
8 May 25, 2007?

9 A. No, I did not.

10 Q. Have you ever discussed what your testimony may
11 be with anyone other than your counsel here today?

12 A. Other than when -- at the time the incident
13 happened, yes, then but not any time after that.

14 Q. All right. Only at the time and when you
15 prepared your reports?

16 A. Yes.

17 Q. And after this incident did you go directly to
18 the police station or did you go to the restaurant, have
19 breakfast, then come back and prepare your reports?

20 A. We went to the restaurant and then I did my
21 report.

22 Q. Okay. At the restaurant did you discuss
23 anything -- who was there at the restaurant with you? Was
24 it Officer Tapia?

1 A. Yes.

2 Q. And was it Officer Aldridge and Grover?

3 A. Yes.

4 Q. All right. At this breakfast -- I'm assuming
5 it's breakfast?

6 A. Yes.

7 Q. Did you discuss the just-arrested Eric Scott?

8 A. Yes. I mean, I initially told them, you know,
9 what happened prior to them coming in contact with him.

10 Q. And did they tell you anything?

11 A. Yeah. Because I had asked Grover -- I basically
12 interviewed Grover as to what his -- what he did -- you
13 know, what he did because I was doing the report.

14 Q. So you knew you were going to do a report. Did
15 Grover indicate he was going to do a report?

16 A. No.

17 Q. Anyone else in that group indicate they were
18 going to do a report besides you?

19 A. No.

20 Q. Now, would you come to know anything about
21 Mr. Scott's medical condition or health, physical condition
22 as a result of this arrest and subsequent trip to the PSB?

23 A. Yes.

24 Q. What would you find out?

1 A. I later learned that when he was at the Public
2 Safety Building, he requested -- he wanted medical
3 attention so he was taken to the hospital.

4 Grover and Aldridge were summoned to go to the
5 hospital and wait for Scott to be medically cleared. When
6 they got there, they -- I spoke to Grover on the phone, and
7 he told me that as a result of his injuries, the doctor
8 told him that he had a cracked orbital.

9 Q. Eye orbital?

10 A. Correct.

11 Q. Now, you had never seen -- or during this night,
12 did you ever see any officer strike him in the face --

13 A. No.

14 Q. -- on the right side --

15 A. No.

16 Q. -- of his eye or his -- his facial area at any
17 time?

18 A. No.

19 Q. But you did have the statement of Grover who
20 indicated that he took him down and he went face first into
21 the concrete or asphalt?

22 A. Correct.

23 Q. Did anyone inspect Eric Scott's car on this date?

24 A. Yes, they probably did. It was being towed for a

1 12-hour DUI hold. I don't recall who did the impound. I
2 don't recall who did the searching of the vehicle. Mainly
3 it was an inventory search for the impound.

4 Q. Did you have a video camera in your car?

5 A. No.

6 Q. Do you know whether or not Grover or Aldridge had
7 a camera in their car?

8 A. No, we do not.

9 Q. Were they also in plain clothes?

10 A. Yes.

11 MR. HERNANDEZ: I don't have any further
12 questions.

13 MS. HAMMER: We'll reserve signature.

14 (The deposition was concluded at
15 4:20 p.m.)
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24

SIGNATURE PAGE

I, Officer Dan Basile, hereby certify that I have read the transcript of my sworn testimony given at the time and place aforesaid, consisting of Pages 1 through 34, inclusive. With the exception of any and all corrections or changes listed on a supplemental page, to the best of my knowledge and belief, said testimony is true and accurate.

RE: Scott vs. The City of Rockford, et al.
Case No. 08 C 50091
Deposition taken on November 29, 2010

Signature

Date

REPORTER CERTIFICATE

I, AMY R. CAMPOS, Certified Shorthand Reporter and Registered Professional Reporter, in and for the County of Winnebago and the State of Illinois, do hereby certify that Officer Dan Basile, on November 29, 2010, was by me first duly sworn; that signature was not waived; and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.

I FURTHER CERTIFY that I am not counsel for nor related to any of the parties herein nor am I interested, financially or otherwise, in the outcome hereof.

I FURTHER CERTIFY that my certificate annexed hereto applies only to the signed and certified transcripts. I assume no responsibility for the accuracy of any reproduced copies not made under my control or direction.

Dated and affixed with my seal of office at Rockford, Illinois, on December 13, 2010.

A handwritten signature in cursive script, reading "Amy Campos", written over a horizontal line.

Amy R. Campos
Registered Professional Reporter
License No. 084-003516.
Winnebago County, Illinois

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